

TENNESSEE MASSAGE LICENSURE BOARD

MINUTES

Date: August 19 & 20, 2004

Time: 9:00 a.m. C.D.T.

Location: Cumberland Room
First Floor, Cordell Hull Building
425 5th Avenue North
Nashville, TN 37247-1010

Members Present: Steve Harper, LMT, Chair
Kirsten VandeBerg, LMT
Rebecca Eichel, LMT
Beverly Chumbley, LMT
Marilyn Field

Members Absent: Effie Woods

Staff Present: Karen Robinson, Board Administrator
Marva Swann, Board Director
Robbie Bell, HRB Director
Dianne Birkner, Unit Manager
Richard Russell, Advisory Attorney
Laurie Doty, Litigating Attorney
Jerry Kosten, Regulations Manager
Lea Phelps, Investigations

A quorum being present, the meeting was called to order at 9:05 a.m.

Contested Case – Unlicensed Establishments - Agreed Orders

Ms. Doty presented an agreed order for Blue River Canyon Day Store & Spa, Establishment. Ms. Doty explained to the Board that Blue River Canyon Day Store & Spa was practicing massage therapy without an establishment license. A civil penalty was assessed plus cost.

Ms. Doty presented an agreed order for Ms. Denise A. Knight, LMT. Ms. Doty explained to the Board that Ms. Knight was working in an unlicensed establishment. A civil penalty was assessed plus cost.

Ms. Doty presented an agreed order for Mr. Bradley Slavik, LMT. Ms. Doty explained to the Board that Mr. Slavik was working in an unlicensed establishment. A civil penalty was assessed plus cost.

Ms. Doty presented an agreed order for Ms. Nicole L. Williams, LMT. Ms. Doty explained to the Board that Ms. Williams was working in an unlicensed establishment. A civil penalty was assessed plus cost.

Contested Case – Noncompliance of 2002 Continuing Education Audit – Agreed Orders

Ms. Doty presented an agreed order for Ms. Sandra M. Erwin, LMT. Ms. Doty explained to the Board that Ms. Erwin failed to obtain and submit the mandatory 12 ½ hours of continuing education for the 2002 calendar year. A civil penalty was assessed in the amount of \$150.00 plus cost and (18) hours of continuing education.

Ms. Doty presented an agreed order for Mr. Richard D. Penny, Jr., LMT. Ms. Doty explained to the Board that Mr. Penny, Jr. failed to obtain and submit the required (6) hours of the mandatory 12 ½ hours continuing education for the 2002 calendar year. A civil penalty was assessed in the amount of \$ 100.00 plus cost and (9) hours of continuing education.

Ms. Doty presented an agreed order for Ms. Angela K. Huff, LMT. Ms. Doty explained to the Board that Ms. Huff failed to obtain and submit the required 12 ½ hours of mandatory continuing education for the 2002 calendar year. A civil penalty was assessed in the amount of \$ 150.00 plus cost and (18) hours of continuing education.

A motion was made by Ms. VandeBerg and seconded by Ms. Chumbley to except the above agreed orders and civil penalties plus the cost. The motion carried with a unanimous vote.

LETTER OF REPRIMAND

Ms. Doty presented a letter of reprimand for Mr. Gregory M. Sims, LMT. Ms. Doty explained to the Board that Mr. Sims failed to obtain and submit the mandatory 12 ½ hours continuing education for the 2002 calendar year. A civil penalty was assessed in the amount of \$150.00 plus the cost and (18 ½) hours of continuing education.

A motion was made by Ms. VandeBerg and seconded by Ms. Eichel to approve the above letter of reprimand. The motion carried with a unanimous vote.

Default Orders

A motion was made by Ms. VandeBerg and seconded by Ms. Chumbley to approve the default orders for the following licensees. The motion carried with a unanimous vote.

Cher Edge
Leah Kay Griffey
Young Suk Lee
Ava Dean Munger
Bernice Organs

Ester Lee Sewell
Shelli Lynn Williams

Order of Dismissal

Ms. Doty presented an order of dismissal for Ms. Laura Beth Eaton.

Adjourned for lunch at 12:00 p.m.

A quorum being present, the meeting was called to order at 1:05 p.m.

Rulemaking Hearing

A motion was made by Ms. Eichel and seconded by Ms. VandeBerg to defer the rulemaking hearing for amending the required 25 hour of Continuing Education until the next board meeting of November 8&9, 2004. The motion carried with a unanimous vote.

Roll Call Vote for a Rulemaking Hearing

A motion was made by Ms. VandeBerg and seconded by Ms. Eichel to approve the following rulemaking hearing that was held on August 12, 2004 for the following changes. The motion carried with a unanimous roll call vote.

- A. Fee increase for re-inspections and no shows
- B. Allowing notarized photocopies of birth certificates and corporate charters
- C. Deleting language for establishments to submit verification of licensure in other states that many of the owners are corporations and not licensed in Tennessee as Massage Therapist

Disciplinary Guidelines

After much discussion a motion was made by Ms. VandeBerg and seconded by Ms. Chumbley to approve the disciplinary guidelines. The motion carried.

Adjourned at 5:03 p.m.

A quorum being present, the meeting was called to order at 9:11 a.m., August 20, 2004.

Dick Mansfield from Tennessee Higher Education Commission address the Board with concerns about school curriculum and student complaints of not being able to pass the National Examination.

Minutes

A motion was made by Ms. VandeBerg and seconded by Ms. Eichel to approve the minutes of the May 10 & 11, 04 Board meeting as submitted. The motion carried.

File Reviews

Michael Buck – Mr. Buck appeared before the Board to give explanation for the misdemeanor charge of simple poss marijuana. After numerous questions from the Board a motion was made by Ms. VandeBerg and seconded by Ms. Eichel to approve Mr. Buck's for licensure. The motion carried.

Heidi LeBlanc – Ms. LeBlanc appeared before the Board to give explanation for the felony charges of possession of cocaine with the intent to sale or deliver. After numerous questions from the Board a motion was made by Ms. VandeBerg and seconded by Ms. Eichel to approve Ms. LeBlanc for licensure. The motion carried.

George Shannon – Mr. Shannon appeared before the Board to give explanation for the misdemeanor charges of failure to appear. After numerous questions from the Board a motion was made by Ms. Chumbley and seconded by Ms. VandeBerg to approve Mr. Shannon for licensure. The motion carried.

Laurie Lee – Ms. Lee appeared before the Board to give explanation for the felony charges of forgery I&II. After numerous questions from the Board a motion was made by Ms. Chumbley and seconded by Ms. VandeBerg to approve Ms. Lee for licensure. The motion carried.

Richard Stevens – Ms. Robinson submitted Mr. Stevens transcript to the Board for review. After much discussion a motion was made by Ms. VandeBerg and seconded by Ms. Eichel for Ms. Chumbley to contact Mr. Stevens school Director, Mr. Jerry Wexler for a curriculum verification of the 200 hours of Sciences required for licensure. The Board approved Mr. Stevens for licensure pending verification of the required 200 hours of sciences. The motion carried.

The Board meeting adjourned for lunch at 12:20 p.m.

A quorum being present the Board meeting was called to order at 1:35 p.m.

Administrative Report

Ms. Robinson presented the statistical report which indicated the following:

Statistical Report

THERAPISTS	ESTABLISHMENTS
Active Licensees - 3249	Active Licensees - 781
Retired Licensees– 304	Retired Licensees – 94
Failed to Renew - 934	Failed to Renew - 167

Performance Measures

Performance Measure	Goal	Jan. – June 2004	Average
Renewal Processing Time	14 days	0.1 days	0.1
Application Processing Time	100 days	5.2 days	14.6

The application processing time is directly relative to the length of time it takes to received a verification from the (NCBTMB).

The renewal times have dropped due to the continued usage of the internet renewal site. The application processing time can be attributed to staff reviewing incomplete files and re-contacting the applicants and the revision of the applications to make them more user friendly.

Ms. Robinson reported in July, twenty five licensees renewed their licenses via the website for a usage rate of 27% versus an overall usage rate of 18% for all professions. The administrative staff is asking that all board members get the word out about renewing online and would ask the board members use this tool to renew their licenses.

Massage Establishments can now renew online and be verified on the Internet site.

Ms. Robinson reported there has been some lessening of the restrictions on travel and purchasing. Travel, purchasing and hiring are being approved on a case-by-case request, if there is a conference that a Board member would like to attend, please let the Administrative Office know so we can request appropriate authorization. We cannot guarantee any request will be approved, but we will submit the paper work.

Continuing Education Audit

Ms. Robinson reported the continuing education audit for the 2002 calendar year is continuing. Previously, the Board had voted on a penalty of one hundred fifty dollars (\$150) and the completion of six hours of additional continuing education. A total of 118 were audited for their 2002 continuing education credit hours. A total of 19 – 16.3% were sent to Investigations for either not responded or not complying with the audit. A total of 9 – 7.6% have paid the penalty and met the continuing education requirements. A total of 3 – 2.5% was granted a waiver. A total of 1 – 8% has been present at this Board meeting. A total of 1 – 8% paid a penalty, waiting for the continuing education to be submitted to the Administrative Office.

Financial Report

Ms. Robinson presented the financial report which indicated that the Board had a Projected Cumulative Carryover at June 30, 2003 of \$1,057,031.

Peer Assistance

Ms. Diann Smithson, Director, Lighthouse Professional Services, presented the peer assistance report. Ms. Smithson requested that peer assistance be added to the school curriculum. The Board requested for the issue to be addressed at the task force meeting.

Establishment Inspection Reports

Ms. Birkner, Unit Manager, presented the Inspection report which indicated the following:

MESSAGE INSPECTION REPORT

May 10, 2004

	MIDDLE		EAST		WEST	
	INITIAL/RENEWAL		INITIAL/RENEWAL		INITIAL/RENEWAL	
May 2004	6	24	0	22	0	0
June 2004	0	13	0	0	16	30
July 2004	26	21	10	36	0	0
TOTALS	32	58	10	58	16	30
GRAND TOTAL	204					

Two establishments in Middle Tennessee were cited for not having a smoke detector and two were cited for not having a current copy of a massage therapist license, one was cited for not having a fire extinguisher and one was cited for not having a fire extinguisher or smoke detector. One establishment in East Tennessee was cited for not having a fire extinguisher, one for not having a current copy of a massage therapist license and one for not having a massage therapist. Each of the establishments were sent deficiency letters and all that were inspected in May and June have corrected their deficiencies. The July corrections are not due at this time.

Office of General Counsel (OGC)

Mr. Russell reported Rule 0870-1-.04, .05, .07, Licensure Process and housekeeping changes are effective August 29, 2004. Rule 0870-1-.13, Order Modification, Compliance and Appearance are pending approval by the Attorney General's Office. Rule 0870-1-.02, .04, .11, .19, Specific procedures, mandatory exam, housekeeping are pending approval by the Attorney General's Office. Rule 0870-1-.04, Ethics & Law course requirement are pending approval by the Attorney General's Office. 0870-1. 02, 05, 06, Inspection no-show, housekeeping are to be presented at this Board meeting for final approval.

Mr. Russell then reminded the Board of their responsibilities under the conflict of interest policy.

Investigative/discipline Reports

Massage Therapists

Ms. Phelps presented the Investigative Report which indicates 8 new complaints were received in July, 12 were closed, 4 closed no action, 8 referred to OGC, and 10 cases are currently under investigation.

Massage Establishments

One new complaint was received in July, 3 closed , 2 closed no action, 1 pending court action, 8 currently under investigation.

Disciplinary Guidelines

A motion was made by Ms. Chumbley and seconded by Ms. VandeBerg to approve the disciplinary guidelines. The motion carried.

Adjourned for lunch at 12:58 p.m.

A quorum being present, the meeting was called to order @ 2:16 p.m.

Ratifications

A motion was made by Ms. Eichel and seconded by Ms. VandeBerg to approve the newly licensed and reinstatements for massage therapists and massage establishments. The motion carried.

New Massage Therapist

MYRA DENISE ADAMS
FRANCES LOUISE ALLEN-WHITEHEAD
BECKY JANE ARNOLD
KATIE LYN AZIZ
FREDRICK ADRIAN BALL
GRETCHEN ANN BAXTER
ANDREA SHEA BEECHAM
CANDICE KAY BENWARD
JANET ANN BELSSING
DEBORAH KAY BRINTON
ERIC FRANKLIN BROWN
JOHN LYNN BROWN
KRISTY SUE BROWN
DIANE CADY
GINA MARIE CAMPLIN
SALLY L. CHASON
JESSICA LYN CRADDOCK
MARY BETH CRAWFORD
CAROL ANNE CROFT

SHONDA GAYLE CROSS
DIANE MARIE DAUGHERTY
MARLENE GLORIS DENNIS
VALERIE LYNN DEWITT
JOSHUA DAVID DODSON
GAIL ROSE DULANEY
DREAMADAWN ANN EVERSON
LINDA GAIL FAGAN
MANESHIA SHANETTE FELS
SARAH LAIANNA FLOWERS
ROB GLENN GRANER III
STEPHENIA DEAUONE GOOCH
JANICE ARLENE GRAY
SUSAN RITA GREGORY
AMY MICHELE HAGGARD
PEGGY LEE HARRIS
LORRAINE HATCHER
PAULA HAWLEY
KAREN ANNETTE HAYES
STEPHANIE L HELSINGER
JOHN LEE HICKMAN
BRANDY JEAN HICKS
ANITA M. HILL
CHARLES WAYNE HILL
JOY LYNN HOOPER
SHANNON MIDGETT HOUSER
KIMBERLY ANN HOWARD
LENA ANN JACKSON
TRAVIS AARON JACKSON
JOHANNA CATHRYN JACOBSEN
JENNIFER LYNN JEWELL
CYNTHIA L. JOHNSON
LAZORA JONES
MICHELLE KATHLEEN KAVANAGH
AMY LOUISE KEITH
SUNETTA DEE KEITH
MATTHEW SCOTT KETCHAM
JULIA MCLEOD KEYLON
DAIQUIRIE CHIE KIYOTA
REBECCA LOUISE KROLL
KATHRYN DIANE LARSON
SHARON ELAINE LEWIS
PEGGY ANNE LIPMAN
JESSICA BROOKE LLEWELLYN
KAREN JONES LODEN
ROBIN DENEASE LONG

ANGELA DYAN LOWE
OLIVIA ANNE LOWE
SUSAN ELIZABETH LUTIN
MEGHAN ELIZABETH MCCOY
JOY ELIZABETH MILLER
AMANDA L. MUSGROVE
JAMES RUSSELL MYERS
NOELLE MARIE NICHOL
JOANN ANNETTE NIEBRUEGGE
TOMMY RAY OGLE
SHANNON R. OGLETREE
DAMON R. PADILLA
JOSE ANTONIO PARRILLA
JACLYN DENISE PARTON
DEBORAH ANN PHILLIPS
DANIELLE COMER POE
SHARMAINE KAY POLLARD
KRISTEN JANELLE POPPY
STEPHANIE WAYNETTE POTTER
GEOFFRIAU CHRISTIAN POWELL
JAYNE MARIE PURGASON
RHONDA K. RAMSEY
DARRELL BENJAMIN RASMUSSEN
SHERYL LYNN ROOT
SHANTA NICOLE ROPER
JOYCE LYNN RUSSELL
SONDRA RENEE SARTEN
CRYSTAL GEANETTE SCROGGIN
SHERRY LYNN SEAGRAVES
SHANIKA LECELLE SEXTON
ASHLEY REBEKAH SIMONS
VALERIE JANE SINGLETON
LINDSAY WINNING SMITH
CHASITY MONIQUE SNOWDEN
SHELLEY ALLISON STANTON
JANIE SUE VAN DINE
MATHEW D. VOLKERT
AMBER LEANNA WEEKS
R. MICHELE WILLERSON
DAONE GLEE WILLOUGHBY
MARIANNE RUTH WILSON
GAIL E. WORDE
CHRISTIE ANNETTE WRIGHT
PATRICIA ANN YOUNG
KAREN F. YUSKAITIS
JENNIFER ANN ZELLER

Massage Therapist Reinstatements

RITA LOUISE ALLIN
SHELIA ANN ARINGTON
GINA MICHELLE BAKER
STEPHEN W. BERRYMAN
JENNIFER ANN FERRELL
CHARLENE ANN GILL
MIRANDA HOOPER MELTON
DEBORAH ANNE NELSON
DENISE SHERIE' OWENS
CHRISTINE MARIE REED
MONA M. ROBBINS
KIMBERLY K. STINNETT
ROBERT THOMAS WYCKOFF

New Massage Establishments & Reinstatements

A PERSONAL TOUCH SALON AND DAY SPA
A TOUCH OF PARADISE
ADVANCED MUSCULAR THERAPY
ANDANTE DAY SPA
AVANTI DAY SPA
BELLEVUE MASSAGE THERAPY CLINIC A
BELLEVUE MASSAGE THERAPY CLINIC
BODY CONSCIOUS MASSAGE THERAPY LL
BODY KNEADS AND THINGS
CAPOBIANCO CHIROPRACTIC PC DBA WE
CHOLE'S HAIR DESIGN AND PERMANENT
CREATIVE HANDS
ECLECTIC BODYWORK
ELAN SKIN, LLC
EPHESIANS BEAUTY AND BARBER GALLE
FAZES
FRANCES L. ALLEN-WHITEHEAD LICENS
FRANKLIN HEALTH AND WELLNESS CENT
GENESE HAIR DESIGN
GINGER'S HAIR AND SKIN CARE
GRACE UNDER PRESSURE
HEADTRIP
HEALINGHANDS HAVEN
HENDERSONVILLE MASSAGE CLINIC
HIS AND HERS STYLING SALON
JOY'S MASSAGE
JUST 4 BLISS, LLC

LORRAINE HATCHER
MARY GLESIGE, LMT MASSAGE AND HEA
MASSAGE
MASSAGE THERAPY
MASSAGE THERAPY
MIKE HOLT, L.M.T.
MIKE WARKENTIN, LMT
MOJAVE ROCK, LLC
NA' SOJ A NAIL AND MASSAGE STUDIO
NEW BEGINNINGS STYLE AND TAN
NEW OUTLOOK SALON
OAKLAND CHIROPRACTIC
OFF MANE SALON AND SPA
PALAZZO SALON AND SPA, LLC
SALON DE JAAS
SENSE OF SERENITY MASSAGE THERAPY
SERENITY MASSAGE THERAPY
SOLEUS
STYLES AND PROFILES
STYLES ON BROADWAY
TALK OF THE TOWN
TANGLES HAIR STUDIO
TANGLEWOOD MEDICAL CENTER, INC.
TESSA'S NAILS AND DAY SPA
THE BRIDGE I AM
THE FINAL CUT
THE QUIET ZONE MASSAGE THERAPY
THE RAIN TREE SALON AND DAY SPA
THE SALON ON MAIN
THERAPEUTIC MASSAGE
THERAPEUTIC MASSAGE BY SUZANNE MC
TONY SEAY, LMT
VICTORIA'S AND SUSAN'S UNIFORMS A
ZENITH'S THERAPEUTIC MASSAGE

Massage Establishment Reinstatements

CRANBERRY'S SALON AND DAY SPA
RELAXING TOUCH
TENDER TOUCH MASSAGE THERAPY
THERAPEUTIC EFFECTS MASSAGE

Continuing Education Course Approval

A motion was made by Ms. Eichel and seconded by Ms. VandeBerg to approve the following continuing education course. The motion carried.

Mary Glesige-Reiki I & II for (19) hours

Dr. James A. Huggins-Human Cadaver Class for (3) hours

Jennifer Longmire & Tammy Roth-Chakra Classes Reiki I&II (14 hours, 7 week class)

A motion was made by Ms. VandeBerg and seconded by Ms. Chumbley to approve the following continuing education courses pending required information is submitted and approved. The motion carried.

Mary Glesige-Creative Visualization, Reducing Stress for LMT's (12.5) hours. Approval pending proof of how verification of attendance is to be documented.

Valli Lanari & RobinFerrell-Hot Stone Massage (7) hours. Approval pending new resume, break down on introductory course & proof of how verification of attendance is to be documented.

Pierre Bolszak-Low Back & Pelvis Related Problems Workshop (3.5) hours. Approval pending proof of how verification of attendance is to be documented.

Vicki Goodwin-Shiatsu (6) hours. Approval pending proof of taking a class in Shiatsu & proof of how verification of attendance is to be documented.

Continuing Education Waiver Requests

Kenneth Graver – The Board reviewed the explanation for not obtaining the 2002 continuing education requirements. A motion was made by Ms. Chumbley and seconded by Ms. VanderBerg to approve a waiver for the 2002 continuing education. The motion carried.

Adjournment

There being no further business, the meeting was adjourned at 4:30 p.m.

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